

EXHIBIT 4

CONFIDENTIAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE
TRUJILLO, individually and on
behalf of all other similarly
situated,

Plaintiffs,

vs.

No.

5:20-cv-03664-LHK-SVK

GOOGLE LLC,

Defendant.

_____ /

-- CONFIDENTIAL --

VIDEOTAPED DEPOSITION OF RAMIN HALAVATI

Remote Zoom Proceedings

Zurich, Switzerland

Tuesday, January 18, 2022

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

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Job No. 5035959

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CHASOM BROWN, WILLIAM BYATT,
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_____/

-- CONFIDENTIAL --

Videotaped deposition of RAMIN HALAVATI,
taken on behalf of the Defendant, Remote Zoom Proceedings
from Zurich, Switzerland, beginning at 7:39 a.m. Central
European Standard Time and ending at 3:16 p.m. Central
European Standard Time, on Tuesday, January 18, 2022,
before Leslie Rockwood Rosas, RPR, Certified Shorthand
Reporter No. 3462.

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6 Scott Slater, Videographer

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I N D E X

TUESDAY, JANUARY 18, 2022

WITNESS

EXAMINATION

RAMIN HALAVATI

BY MR. REBLITZ-RICHARDSON

17

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

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1 Zurich, Switzerland; Tuesday, January 18, 2022

2 7:39 a.m. Central European Standard Time

3 --oOo--

4 PROCEEDINGS

5
6 (Exhibit 1, Ramin Halavati LinkedIn Profile, was
7 marked for identification by counsel
8 electronically.)

9 (Exhibit 2, Email string from mardini@google.com
10 to Christina Collada, 10/15/19,
11 GOOG-BRWN-00387574, was marked for
12 identification by counsel electronically.)

13 (Exhibit 3, Email string from Ramin Halavati to
14 Mark Pearson, 03/10/20, GOOG-BRWN-00601267 -
15 268, was marked for identification by counsel
16 electronically.)

17 (Exhibit 4, Incognito Mode, Current and Possible
18 Promises, Last Update 09/24/18,
19 GOOG-BRWN-00047390 - 398, was marked for
20 identification by counsel electronically.)

07:38:25

21 THE VIDEOGRAPHER: Good morning. We are on the
22 record at 7:39 a.m. Central European Standard Time on
23 January 18th, 2022.

24 Please note that the microphones are sensitive
25 and may pick up whispering, private conversations, or

07:39:04

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1 treat the user as a user that is in regular mode, but
2 Google does not know their identity.

3 So if Google knew that user is in Incognito
4 mode, they could behave differently.

5 Q. BY MR. REBLITZ-RICHARDSON: And that's something 10:13:57
6 you evaluated as part of your work for Google, whether or
7 not to send Google information that would allow Google to
8 not save Incognito browsing activity; right?

9 A. Yes. I worked on the possibility of telling
10 Google that user is in more private browsing mode. 10:14:14

11 Q. And Google never implemented that change;
12 correct?

13 A. We had a very long discussion about it, more
14 than a year, and the benefits of this feature did not
15 outweigh the negative side effects. So we did not do 10:14:33
16 that.

17 Q. Exhibit 11. GOOG-CABR-00830718.

18 Do you have that in front of you, Mr. Halavati?

19 A. Yes.

20 Q. Is Exhibit 11 an email you sent as part of your 10:14:59
21 work for Google?

22 A. Yes, it looks so.

23 Q. Do you need a moment to look it over?

24 A. Yes. Thank you.

25 I read it. 10:19:37

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1 Q. Mr. Halavati, is this a document you reviewed
2 yesterday in preparation for your deposition here today?

3 A. No, I did not.

4 Q. Okay. Do you see where it references Chrome in
5 the subject line? 10:19:53

6 A. Subject line, yes, SinRastro Chrome.

7 Q. And then in your email at the top, there's one,
8 two, three bullets.

9 Do you see that?

10 A. Yes. 10:20:03

11 Q. And at the end of the third bullet, you wrote:
12 "This is not what Sundar promised."

13 Do you see that?

14 A. Yes.

15 Q. Was that a reference to Sundar Pichai? 10:20:14

16 A. Yes.

17 Q. What did Mr. Pichai promise?

18 A. I don't recall exactly, but I think it was a
19 statement from him in Google IO 2019 conference that he
20 talked about how there would be a closer contact between
21 Incognito mode of different Google products and Android
22 ecosystem.

23 Yeah, I don't recall beyond this. But the main
24 point was that on Android, because they are also
25 controlling OS, we can have stronger ties between 10:20:55

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1 Incognito mode of different products and deliver better
2 services.

3 Q. That included Chrome; correct?

4 A. Yes.

5 Q. And where you wrote: "Therefore, instead of the 10:21:07
6 expected result of going to Incognito mode stops Google
7 logging in all products, we would have 'users have a way
8 to set up Incognito to tell Google to stop logging for
9 all products.'"

10 Do you see that? 10:21:26

11 A. Yes.

12 Q. And "Google logging in all products," would that
13 include Google Ads and Analytics products?

14 A. Yeah. Well, product in this context mostly
15 refers to Maps and YouTube, but let me read it once more. 10:21:47
16 It can be also related to other Google products,
17 including Ads and whatever that's --

18 Q. And Analytics; correct?

19 A. Analytics, correct.

20 Q. And then you wrote: "Hence, I see the solution 10:22:14
21 mostly as a remedy for Google to tell regulators that we
22 gave the option to the users."

23 What did you mean by that?

24 A. I don't remember exactly the context here, but I
25 know there were GDPR regulations about giving users the 10:22:33

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1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)

3 I, LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462, do
4 hereby certify:

5 That the foregoing deposition testimony was
6 taken before me at the time and place therein set forth
7 and at which time the witness was administered the oath;

8 That testimony of the witness and all objections
9 made by counsel at the time of the examination were
10 recorded stenographically by me, and were thereafter
11 transcribed under my direction and supervision, and that
12 the foregoing pages contain a full, true and accurate
13 record of all proceedings and testimony to the best of my
14 skill and ability.

15 I further certify that I am neither counsel for
16 any party to said action, nor am I related to any party
17 to said action, nor am I in any way interested in the
18 outcome thereof.

19 IN WITNESS WHEREOF, I have subscribed my name
20 this 20th day of January, 2022.

21
22
23
24 

25 LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462

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